IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Suo Motu Contempt Petition no.5 of 2005

The Registrar General,
High Court, Bombay. Petitioner
Vs.
Mrs.Meena A. Nawalkar Respondent

Mr.B.H.Mehta, APP for State.
Mrs.Meean A. Nawalkar, respondent present in person.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

October 17, 2006.

P.C.

. The respondent - Mrs. Meena Nawalkar had on 5/11/2004 submitted a transfer application praying for transfer of LPA Nos.19 and 20 of 1992 and the application was addressed to the Hon'ble Shri Justice V.G. Palshikar in his capacity as the Administrative Judge. On the very same day the Hon'ble Administrative Judge called upon the Registrar (Judicial) to make a submission for placing the papers before the appropriate Bench for possible action under the Contempt of Courts Act, 1971 and accordingly Contempt Petition No.457 of 2004 came to be registered. When it came up before the Single Bench on 20/1/2005 the Registrar was directed to place the same before the appropriate Bench on the Criminal Side as the letter dated 5/11/2004 appeared

to be a case of criminal contempt within the meaning of Section 2(c) of the Contempt of Courts Act, 1971 and for the first time when it was placed before the Division Bench as Suo Motu Contempt Petition No.5 of 2005, notice to show cause was issued on 3/2/2006 and the notice was made returnable after four weeks. In response to the said notice the respondent has appeared before us and in her reply has submitted her apology. Para 1 of her reply reads as under:

> "At the outset, I say and submit that I have highest regard and respect for the Court of Judicature and by no means any action or inaction on my part be considered to be in contempt of this Hon'ble Court. I say I have not committed any contempt of this Hon'ble Court. I hereby tender my unconditional apology to this Hon'ble Court if I have committed even remotely contempt of this Hon'ble Court."

. In her reply she has stated that for the last more than 20 years she has been moving from Court to Court in respect of her matrimonial matters and was surviving on an interim maintenance of Rs. 1250/-

per month. She has stated that on the said paltry sum it was not possible for her to make a living more so when she is already a senior citizen and suffering from health complications such as vertigo and history of hypertension apart from fractured leg which has restricted her movements, but for her practice as a Notary. She has also stated that her husband is a multi millionaire with number of immovable properties in Mumbai city including some multi-storeyed buildings and she was fighting the battle against her husband who was determined to throw her out of his house. It was under these trying circumstances that she addressed the letter dated 5/11/2004 to the Hon'ble Administrative Judge and the harsh words used in the said letter are out of desperation and they are not to be treated as an affront or disrespect to the Court.

. There is one more facet we have to take into consideration viz. the issue of limitation under Section 20 of the Contempt of Courts Act, 1971. The transfer application is dated 5/11/2004 and on the same day the Hon'ble Administrative Judge had directed the Registrar (Judicial) to prepare note for a possible action under the Contempt of Courts Act

and this direction did not amount to taking cognizance of contempt or to initiate contempt proceedings. Show cause notice was issued for the first time on 3/2/2006 i.e. after about one year and three months from 5/11/2004. Having regards to the law laid down by a three-Judge Bench of the Supreme Court in the case of Pallav Sheth v. Custodian & ors. **[(2001) 7 SCC 549]** the initiation of contempt proceedings in the instant case and suo motu by this Court is beyond limitation.

. In any event the respondent has submitted her apology and she has remained present before us today and again reiterated her unconditional apology orally. In these obtaining circumstances we deem it appropriate to discharge the notice issued to the respondent and hence order accordingly.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE